

FEDERAL COURT OF APPEAL

B E T W E E N:

THE ATTORNEY GENERAL OF CANADA

Appellant

-and-

**CANADIAN HUMAN RIGHTS COMMISSION, FIRST NATIONS CHILD AND
FAMILY CARING SOCIETY OF CANADA, ASSEMBLY OF FIRST NATIONS,
CHIEFS OF ONTARIO, and AMNESTY INTERNATIONAL**

Respondents

NOTICE OF MOTION

**Motion for Leave to Intervene brought jointly by the Ontario Human Rights Commission,
Saskatchewan Human Rights Commission and Nova Scotia Human Rights Commission**

TAKE NOTICE THAT the proposed interveners the Ontario Human Rights Commission, the Saskatchewan Human Rights Commission, and the Nova Scotia Human Rights Commission (the "Proposed Interveners") will make a motion to the Court in writing under Rule 369 of the *Federal Courts Rules*.

THE MOTION IS FOR:

1. An order under Rule 109 of the *Federal Courts Rules*, without costs, granting the Proposed Interveners leave to intervene in the present Appeal.
2. Directions that:
 - (a) the intervention granted shall include the right of the Proposed Interveners to jointly file a Memorandum of Fact and Law of maximum 20 pages in length within 45 days of the date of this order; the right of the Proposed Interveners to jointly present 20 minutes of oral argument at the hearing of the Appeal; and the right to be served with all further documents required to be served on the parties in the Appeal;
 - (b) on the Appeal, costs shall not be awarded for or against the Proposed Interveners; and
 - (c) the style of cause shall be amended to include the Proposed Interveners.
3. In the alternative, such further and/or other order or directions that this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

1. The Proposed Interveners are arm's-length statutory agencies charged with administering human rights legislation in their respective provinces through public education, research, policy development, communications, advocacy and litigation.
2. The Proposed Interveners have a genuine interest in the issues at stake. This case involves the interpretation of quasi-constitutional rights. The decision of this Honourable Court will have an impact on the future litigation and adjudication of human rights issues in the provinces and is of significant importance to discrimination analysis, particularly since human rights legislation must be interpreted in a consistent manner.
3. The Proposed Interveners can offer the Court the benefit of their extensive expertise and experience in, and unique perspective on, the issues that are before this Honourable Court. If granted leave, the Proposed Interveners will focus their intervention on the test for *prima facie* discrimination and the role of comparison in human rights cases.
4. The interests of justice are best served by hearing all perspectives and having full argument on these important issues.

5. The Proposed Interveners will not prejudice the parties to this Appeal. They will not expand the record and will ensure that their participation is economical and efficient. To this end, they will file a joint factum and advance a single position before the Court on behalf of all three parties.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The affidavit of Barbara Hall, Chief Commissioner of the Ontario Human Rights Commission;
2. The affidavit of David Arnot, Chief Commissioner of the Saskatchewan Human Rights Commission; and
3. The affidavit of David Shannon, CEO and Executive Director of the Nova Scotia Human Rights Commission

December 5, 2012



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Court File No.: A-145-12

**THE ATTORNEY GENERAL - and -
OF CANADA**

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ONTARIO, AND AMNESTY INTERNATIONAL**

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FEDERAL COURT OF APPEAL

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**Motion for Leave to Intervene brought jointly by the Ontario Human Rights
Commission, Saskatchewan Human Rights Commission and Nova Scotia Human
Rights Commission**

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